Docket No. JAB-1751CON2

JUN 2 5 2004 2

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Jozef Jan Pieter Heykants et al.

Serial No.: 10/807,035

Art Unit:

Filed

: March 23, 2004

Examiner:

For

: (+)-NORCISAPRIDE

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

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Ellen Ciambrone Coletti
Name of applicant, assignee, or Registered Representative

(Signatura)

(Date of Signature)

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

### INFORMATION DISCLOSURE STATEMENT

Dear Sir:

Pursuant to 37 C.F.R. §1.56 and in accordance with 37 C.F.R. §§1.97-1.98, information relating to the above-identified application is hereby disclosed. Inclusion of information in this statement is not to be construed as an admission that this information is material as that term is defined in 37 C.F.R. §1.56(b).

Applicant(s) reserve(s) the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist.

In accordance with \$1.97(b), since this Information X Disclosure Statement is being filed either within three months of the filing date of the above-identified national application (other than a continued prosecution application under \$1.53(d)), within three months of the date of entry into the national stage of the above identified application as set forth in \$1.491, or before the mailing date of a first Office Action on the merits of the above-identified application, or before the mailing date of a first Office Action after the filing of a request for continued examination under \$1.114, no additional fee is required. In accordance with §1.129(a), this Information Disclosure Statement is being filed in connection with  $\square$  the first or \_second After Final Submission, therefore: Statement in Accordance with \$1.97(e) П (attached); or Please charge Deposit Account No. 10the fee of \$180.00 as set forth / in \$1.17(p).

In accordance with \$1.97(c), this Information
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Please charge Deposit Account No. 10- $\Box$ the fee of \$180.00 as set forth 0750/ / §1.17(p). in In accordance with §1.97(d), this Information Disclosure Statement is being filed after the mailing date of either a Final Action under §1.113 or a Notice of Allowance under \$1.311 but before the payment of the Issue Fee. Applicant(s) hereby petition(s) for consideration of this Information Disclosure Statement. Included are: Statement in Accordance with \$1.97(e) as set forth below and the fee of \$180.00 as set forth in \$1.17(p). Copies of each of the references listed on the  $\bowtie$ attached Form PTO-1449 are enclosed herewith. Copies of references listed on the attached Form PTO-1449 are enclosed herewith EXCEPT THAT: In view of the voluminous nature of references [list as appropriate], and the likelihood that these references are available to the Examiner, copies are not enclosed herewith. If any of the foregoing publications are not  $\Box$ available to the Examiner, Applicant will endeavor to supply copies at the Examiner's request. Copies of only foreign patent documents and nonpatent literature are enclosed in accordance with 37 CFR 1.98 (The U.S. patents and each U.S. patent application publication listed on the attached Form PTO-1449 are not enclosed because this U.S. patent application was filed after June 30, 2003 or this international application has entered the national stage under 35 USC §371 after June 30, 2003 (see USPTO waiver of requirement under 37 CFR 1.98 (a)(2)(i). There are no listed references which are not in the English language. The relevance of those listed references which are not in the English language is as follows: HU 203 724B has English equivalent 4,975,439 attached. French patent 2717174 has English abstract attached. Attached are copies of search report(s) from  $\boxtimes$ corresponding patent application(s), which are listed on the attached Submission Under MPEP 609 D. Attached are the following non-published pending patent applications which may be deemed relevant, which are listed on the attached Submission Under MPEP 609 D. Please charge any deficiency or credit any overpayment to Deposit Account No. 10-0750/JAB-1751/WEM. This form is submitted in triplicate. Respectfully submitted,

Ellen Ciambrone Coletti

Reg. No. 34,140

Attorney for Applicants

Johnson & Johnson One Johnson & Johnson Plaza New Brunswick, NJ 08933-7003 (732) 524-2359 DATED: f-23-04

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Application Number	10/807,035
Filing Date	March 23, 2004
First Named Inventor	Jozef Heykants et al.
Group Art Unit	
Examiner Name	
Attorney Docket Number	JAB-1751CON2
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U.S. PATENT DOCUMENTS							
		U.S. Patent Doo	cument		Date of Publication	Pages, Columns, Lines,	
Examiner Initials	Cite No. <sup>1</sup>	Number	Kind Code <sup>2</sup> (if known)	Name of Patentee or Applicant of Cited Document	of Cited Document mm-dd-yyyy	where relevant passages or relevant figures appear	
		4,820,715		Monkovic et al.	04/11/1989		
		4,975,439		Van Dale et al.	12/04/1990		
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#### **FOREIGN PATENT DOCUMENTS** Date of Publication of Cited Document Foreign Patent Document Pages, Columns, Lines, where relevant Name of Patentee or passages or relevant Examiner Cite mm-dd-yyyy ۳° Applicant of Cited Document figures appear Initials Office<sup>3</sup> Number<sup>4</sup> KindCode5 No.1 03/01/1995 EΡ 0 640 601 **A1** Hokuriku Seivaku Co., Ltd. 03/29/1989 0 309 043 В1 Janssen Pharmaceutica N.V. 0 076 530 В1 Janssen Pharmaceutica N.V. 04/13/1983 ΕP **B**1 Janssen Pharmaceutica N.V. 01/18/1989 FΡ 0 299 566 0 423 133 **B**1 Sepracor, Inc. 09/20/1995 T В Janssen Pharmceutica N.V. 06/28/1989 ΗU 203724 09/15/1995 Т Α1

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<sup>\*</sup>EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

1 Unique citation designation number. 2 See attached Kinds of U.S. Patent Documents. 3 Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). 4 For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. s Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. s Applicant is to place a check mark here if English language Translation is attached.

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Application Number	10/807,035
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Examiner Initials	Cite	Number	Kind Code <sup>2</sup> (if known)	of Cited Document	of Cited Document mm-dd-yyyy	or relevant figures appear
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#### FOREIGN PATENT DOCUMENTS Pages, Columns, Lines, Date of Publication Foreign Patent Document of Cited Document where relevant Name of Patentee or ssages or relevant т mm-dd-yyyy figures appear Cite Applicant of Cited Document Examiner Number<sup>4</sup> KindCode<sup>5</sup> Office<sup>3</sup> Initials No.1 06/09/1994 Janssen Pharmaceutica N.V. wo 94/12494 A1 Hikuriku Seiyaku Co., Ltd. 03/01/1995 98/03173 Α1 wo 12/19/1996 A1 Sepracor Inc. 96/40133 WΩ

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Examiner Name	
Attorney Docket Number	JAB-1751CON2
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	OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS	
Cite	Include name of the author (in CAPITOL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T <sup>2</sup>
	Willem Meuldermans et al., Drug Metabolism and Disposition, Vol. 16, No. 3, EXCRETION AND BIOTRANSFORMATION OF CISAPRIDE IN RATS AFTER ORAL ADMINISTRATION, pages 410-419	
	Willem Meuldermans et al., Drug Metabolism and Disposition, Vol. 16, No. 3, EXCRETION AND BIOTRANSFORMATION OF CISAPRIDE IN DOGS AND HUMANS AFTER ORAL ADMINISTRATION, pages 403-409	
	Karel L.M. Lavrijsen et al., Drug Development Research 8:267-278 (1986), A COMPARATIVE STUDY ON THE IN VITRO METABOLISM OF CISAPRIDE USING SUBCELLULAR LIVER FRACTIONS OF DOG, RABBIT, AND MALE AND FEMALE RATS	
	Georges H.P. Van Daele et al., Drug Development Research 8:225-232 (1986); SYNTHESIS OF CISAPRIDE, A GASTROINTESTINAL STIMULATN DERIVED FROM CIS-4-amino-3- methoxypiperidine	
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		Willem Meuldermans et al., Drug Metabolism and Disposition, Vol. 16, No. 3, EXCRETION AND BIOTRANSFORMATION OF CISAPRIDE IN RATS AFTER ORAL ADMINISTRATION, pages 410-419  Willem Meuldermans et al., Drug Metabolism and Disposition, Vol. 16, No. 3, EXCRETION AND BIOTRANSFORMATION OF CISAPRIDE IN DOGS AND HUMANS AFTER ORAL ADMINISTRATION, pages 403-409  Karel L.M. Lavrijsen et al., Drug Development Research 8:267-278 (1986), A COMPARATIVE STUDY ON THE IN VITRO METABOLISM OF CISAPRIDE USING SUBCELLULAR LIVER FRACTIONS OF DOG, RABBIT, AND MALE AND FEMALE RATS  Georges H.P. Van Daele et al., Drug Development Research 8:225-232 (1986); SYNTHESIS OF CISAPRIDE, A GASTROINTESTINAL STIMULATN DERIVED FROM CIS-4-amino-3- methoxypiperidine

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### SUBMISSION UNDER MPEP 609 D

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Group Art Unit Examiner Name
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Include name of the author (in CAPITOL LETTERS), title of the article (when appropriate), T<sup>2</sup> title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published Cite No.1 Examiner Initials\* Hungarian Search Report dated January 14, 2002 for application no. P0003078

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